

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MATTHEW LABREC,

Plaintiff,

v.

LINDSAY WALKER, SGT. CHATMAN,
SGT. CRAFT, CO II WILSON and
CO MEEKER,,

Defendants.

ORDER

Case No. 16-cv-774-jdp

On January 4, 2017, the court granted plaintiff Matthew LaBrec leave to proceed on claims that defendants Walker, Chatman, Craft, Wilson and Meeker failed to protect plaintiff from a dangerous inmate in violation of the Eighth Amendment. That same day, via electronic notification, this court sent the office of the Attorney General a copy of the January 4 order for acceptance of informal service of process on defendants. On January 6, 2017 the Attorney General's Office advised that it was accepting service on behalf of the defendants. On February 13, 2017 the Attorney General's Office filed its answer. Now plaintiff has filed a declaration for entry of default pursuant to Fed. R. Civ. P. 55(a).

In support of his motion, plaintiff argues that defendants are in default because they failed to file an answer within 40 days of January 4, 2017, the date the Wisconsin Department of Justice was served. The defendants had until February 13, 2017 to file their answer. Defendants met that deadline. Therefore, plaintiff's motion for entry of default must be denied.

ORDER

IT IS ORDERED that plaintiff Matthew LaBrec's request for entry of default, dkt. #14, is DENIED.

Entered this 6th day of March, 2017.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge